

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**ANTHONY DERUBEIS
AND
MACLYN BURNS**

Plaintiffs

v.

WITTEN TECHNOLOGIES, INC.

Defendant

CIVIL ACTION NO. 04 11137 RWZ

DEFENDANT'S PROPOSED PRE-TRIAL SCHEDULE

Pursuant to Fed. R. Civ. P. 16(b), 26(f) and D. Mass. L. Civ. R. 16.1, a conference was held. Counsel for both Plaintiffs and Defendant were present. Despite the parties' best attempts, no agreement regarding the pre-trial schedule was reached during such conferences. As a consequence, Defendant, Witten Technologies, Inc., submits its proposed Pre-Trial Schedule.

1. Automatic disclosure under Fed. R. Civ. P. 26(a) will be served on or before Wednesday, September 21, 2005.
2. The parties anticipate that discovery will be needed on the following subjects:
 - a. The factual allegations in the Complaint and Counterclaim.
 - b. The parties' claims for damages.
3. All non-expert discovery will be completed by Monday, May 1, 2006.
4. Plaintiffs/Counter-Defendants will identify their experts, if any, and produce expert discovery required by Fed. R. Civ. P. 26 by July 14, 2006.

5. Defendant/Counter-Plaintiff will identify its experts, if any, and produce expert discovery required by Fed. R. Civ. P. 26 by August 14, 2006.

6. All expert discovery will be completed by October 16, 2006.

7. Dispositive motions will be filed by Monday, November 20, 2006, and responded to within the time frame provided by Fed. R. Civ. P. and Local Rules.

8. Rule 16.1 Certifications will be submitted separately.

As officers of the Court, undersigned counsel agree to cooperate with each other and the Court to promote the just, speedy and inexpensive determination of this action.

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Counsel for Defendant/Counter-Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing *Defendant's Proposed Pre-Trial Schedule* was filed electronically and served upon the attorney of record for each other party by first-class, U.S. mail, postage prepaid, on August 30, 2005.

/s/ Jay M. Presser, Esq.
Jay M. Presser, Esq.